

## **CITY OF MESA**

### **MINUTES OF THE PLANNING AND ZONING BOARD MEETING**

Held in the City of Mesa Council Chambers

Date: October 20, 2010 Time: 4:00 p.m.

#### **MEMBERS PRESENT**

Randy Carter, Chair  
Beth Coons, Vice-Chair  
Chell Roberts  
Vince DiBella  
Brad Arnett  
Suzanne Johnson

#### **MEMBERS ABSENT**

Lisa Hudson

#### **OTHERS PRESENT**

John Wesley  
Tom Ellsworth  
Gordon Sheffield  
Lesley Davis  
Angelica Guevara  
Wahid Alam  
Debbie Archuleta  
Margaret Robertson

Chairperson Carter declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated October 20, 2010. Before adjournment at 5:31 p.m., action was taken on the following:

It was moved by Boardmember Chell Roberts, seconded by Boardmember Brad Arnett that the minutes of the September 14, 2010, and September 15, 2010 study sessions September 15, 2010 regular meeting be approved as revised. Vote: 6 – 0 (Boardmember Hudson absent)

Consent Agenda Items: All items identified with an asterisk (\*) were approved with one Board motion.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Brad Arnett that the consent items be approved. Vote: 6 – 0 (Boardmember Hudson absent)

Zoning Cases: Z10-26, Z10-27, Z10-28, Z10-29, Z10-30

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Item: **Z10-29 (District 5)** 3558 East McDowell Road. Located at the northwest corner of Val Vista Drive and McDowell Road (1.7± ac). Site Plan Modification. This request will allow the development of an assisted living facility. Ahmed Hassan owner/applicant. (PLN2010-00299)

**Comments:** This case was removed from the consent agenda.

Louis Kish 3407 East McDowell spoke regarding this case. Mr. Kish stated his neighbor had concerns because they had horse property. He stated the neighbors wanted a 10' wall along this project's west property line and they want it as quickly as possible.

Marty Brook 3518 East McDowell stated she was not against the project; however, she wanted a 10' fully grouted block wall, because she didn't want visitors to the assisted living facility trying to pet her horses. She also wanted it recorded that they are a horse property so there won't be any complaints in the future about dust, flies, or their horses. She wanted the wall constructed as soon as possible because people can see into her property from Val Vista, and she didn't want dust from the construction.

Lew Lenz 3717 E Pomegranate Street, spoke in favor of the project. Mr. Lenz stated he had worked with the Hassan's when they built their facility on the southeast corner of McDowell and Val Vista. He stated that facility was beautiful and the trees they used, which they were proposing to use on this project, grow very quickly.

Staff Planner Wahid Alam explained the case was for a Site Plan Modification. He stated this property is within the Citrus Sub-Area, which designated this corner for office use. Mr. Alam stated the design of the facility was very attractive and would look like a custom home. Mr. Alam explained that the case would be going to the Design Review Board in November, then to the Board of Adjustment in December.

Jennifer Hassan, the applicant, stated she had been in this business for 10 years. She stated she wanted to have a good relationship with her neighbors. She stated she was proposing to plant fast growing trees. She stated Maricopa County has regulations to control dust during construction. She was concerned with the cost of constructing a 10' wall. She was also concerned with how the shade from a 10' wall would affect the growth of the trees she would be planting between the wall and her building.

Boardmember Chell Roberts questioned how anyone could pet a horse over an 8' wall.

Boardmember Beth Coons confirmed that this case would not affect the zoning on any other property.

Boardmember Vince DiBella did not see a need for a 10' wall. He stated the building wall was not much more than that and it would be creating parallel walls.

Boardmember Suzanne Johnson agreed an 8' wall would be sufficient. There would be Sissoo trees along the wall which grow to 30'. There is also a retention basin proposed along the west property line.

Chair Randy Carter confirmed they would typically be required to have a 6' wall, the applicant was agreeing to an 8' wall. He confirmed there was no wall between the properties at this time. Zoning Administrator, Gordon Sheffield confirmed the 8' wall would be allowed because the

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project was commercial. The 10' wall would require a variance.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Brad Arnett

That: The Board approve zoning case Z10-29 conditioned upon:

1. Compliance with the development as described in the project narrative (except as modified below) and as shown on the site plan, preliminary elevations, and landscape plan provided.
2. Compliance with all City development codes and regulations.
3. Review and approval of a Special Use Permit by the Board of Adjustment for assisted living facility.
4. Review and approval of Development Incentive Permit by the Board of Adjustment for modifications to site plan development standards.
5. Compliance with all requirements of the Board of Adjustment and Design Review Board request.
6. The owner shall grant an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City.
7. Noise attenuation measures be incorporated into the design and construction of the building to achieve a noise level reduction of 25 db.

Vote: Passed 6 – 0 Lisa Hudson absent

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**Note: Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at [www.mesaaz.gov](http://www.mesaaz.gov)**

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Item: **Z10-26 (District 2)** 2860 East Main Street. Located east of Lindsay Road on the north side of Main Street (8,612± sf). District 2. Council Use Permit. This request will allow the change of ownership of an existing pawn shop. Red Mountain Asset Fund, owner; Susan Demmitt, Beus Gilbert, applicant. (PLN2010-00285)

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Brad Arnett

That: The Board recommend to the City Council approval of zoning case Z10-26 conditioned upon:

1. Compliance with the basic development as described in the operations plan and project narrative and as shown on the site plan.
2. Compliance with all City development codes and regulations.
3. In the event the pawn operations are transferred to a business, person, or entity other than Cash America, the Council Use Permit to conduct pawn operations at this site will terminate.
4. Firearms of any type shall not be pawned, bought or sold at this location.
5. Adult materials shall not be pawned, bought or sold at this location.

Vote: Passed 6 – 0 (Boardmember Hudson absent)

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Item: **Z10-27 (District 4)** 638 West Broadway Road Suite #301. Located west of Country Club Drive on the north side of Broadway Road (2000± sf). Council Use Permit. This request will allow the operation of a recycling center in an M-2 zoning district. BMC Properties LLC, owner; Michelle Dahlke, Arizona Planning Solutions, applicant. (PLN2010-00296)

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Brad Arnett

That: The Board recommend to the City Council approval of zoning case Z10-27 conditioned upon:

1. Compliance with the basic development as described in the project narrative and plan of operation submitted.
2. The approval of this Council Use Permit is limited to operation within the building.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

Vote: Passed 6 – 0 (Boardmember Hudson absent)

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Item: **Z10-28 (District 6)** 6912 East Guadalupe Road. Located east of Power Road on the north side of Guadalupe Road (5± ac). Rezone from R1-7 (conceptual C-2) to C-2 PAD and site plan review. This request will allow the development of medical office buildings. Dr. Ali Nia, P&G Land Development, owner; Rauf Moosavi, Moosavi Design Group, applicant. (PLN2008-00133)

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Brad Arnett

That: The Board recommend to the City Council approval of zoning case Z10-28 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted, and preliminary elevations.
2. Compliance with all requirements of the Design Review Process.
3. Compliance with all City development codes and regulations.
4. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
5. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport prior to the issuance of a building permit.
7. Written notice be provided to future tenants and property owners, and acknowledgment received that the project is within 3 miles of Phoenix-Mesa Gateway Airport.

Vote: Passed 6 – 0 (Boardmember Hudson absent)

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Item: **Z10-30 (District 1)** 1455 North Shill Drive. Located north of Brown Road and west of Mesa Drive (22,000± sf). Rezone from R-2 to R1-6 and site plan review. This request will establish a single residence zoning district. Deborah Gilbert, owner; Cameron Carter, Rose Law Group, applicant. (PLN2010-00254)

Comments: This case was removed from the consent agenda.

Cameron Carter of the Rose Law Group represented the case and explained the application was to rezone from R-2 multiple residential to R1-6 single family residential. He stated the neighborhood is single family homes and there is other R1-6 in the area. The property is just less than ½ acre with a single family home and a stable with two horses. The General Plan designation is MDR 4 – 6, and the lot meets the R1-6 setbacks. The purpose of this meeting was to rezone the property, the applicant has also applied for a Special Use Permit through the Board of Adjustment to allow the owner to have horses. Mr. Carter stated they have a plan for controlling dust and odors.

Rosalie Figueroa 1450 North Sirrine was opposed to the request but did not wish to speak.

Rulen Morris 31 East 14 Place spoke and stated he was not opposed to the zoning change. His property is single family. He does oppose the reason for the rezoning, which was to have horses.

Leo Jones 1450 North Sirrine spoke and stated he can't eat outside in the backyard anymore because of the smell of horses. He was concerned with flies, smells, and the resale value of his property.

Becky Martinez 1451 North Shill stated she had moved from an area with horses and was happy the horses were here. She stated the resale value is increased if you have horse property. She stated the small neighborhood community was very nice and the horses add to the community.

Staffmember Lesley Davis explained the reason for the rezoning is so the applicant can apply for a Special Use Permit to keep the horses. The neighborhood is all single family homes, even though it is zoned R-2.

Boardmember Beth Coons confirmed that this application was the rezoning. The horses will be discussed at the Board of Adjustment meeting in December.

Boardmember Vince DiBella confirmed there is R1-6 property in the area. He confirmed the horses had been on the property since June, and that there had been complaints to Code Compliance about the horses.

Chair Randy Carter confirmed the applicant would need to combine the lots. He suggested the applicant work with Mr. Jones prior to the Board of Adjustment meeting.

It was moved by Boardmember Beth Coons, seconded by Boardmember Suzanne Johnson

That: The Board recommend to the City Council approval of zoning case Z10-30 conditioned upon:

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1. Compliance with all City development codes and regulations.
2. Approval of a Special Use Permit from the Board of Adjustment to allow livestock on a property that is less than one acre.

Vote: Passed 5 – 1 Boardmember DiBella nay (Boardmember Hudson absent)

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### E. HEAR A PRESENTATION, DISCUSS AND PROVIDE DIRECTION ON THE FOLLOWING:

#### Revised Zoning Code

Staffmember Gordon Sheffield explained the first draft of the transition rules for the new Zoning Code. If an applicant had approvals or permits prior to the new Ordinance taking effect they would have three years to build them as approved. Pre-plats would have a one year time limit because that is what the subdivision requirements are now. The time limit would be one year for Council Use Permits and Special Use Permits. Use permits would be allowed one year to file for Design Review and then another year for construction drawings. Building applications filed prior to change will be allowed to continue as long as the permit remains active. Applications filed for planning processes such as rezoning, site plan review, Design Review Board, pre-plats prior to the new Zoning Code would be allowed to continue through the process as submitted, and would then have three years to get a building permit.

PC districts and projects with overlay districts – plans approved by Council with deviations approved for development standards would be allowed in perpetuity. Where they did not have variations, the new Code would apply. Applications after the effective date would have to meet the new Code. There would be an option to file for a waiver to meet the old Code.

Boardmember Beth Coons thought the document seemed overwhelming. She was concerned the new Code would be financially prohibitive to develop. Mr. Sheffield explained the new Code will make it easier to make changes without having to go through the public hearing process. She asked if it was possible to review 3 or 4 projects old Code versus new Code. John Wesley indicated he would try to have examples available at next months meeting.

Boardmember Vince DiBella confirmed that some who wanted to develop 5 years from now would have to meet any new Code requirements including additional requirements that may come up in the future. Mr. Sheffield stated there are a lot of properties that are not in conformance with Code, this document will make it easier for staff to approve requests.

Boardmember Suzanne Johnson wants to see a chart that shows what district is changing to what. She wondered how long it would take between the approval of the Code and the effective date. She was concerned that citizens would not have time to react. Mr. Wesley stated that the notification letters will be sent out in January and the new Code would not take effect until at least June.

Chair Randy Carter was worried about subdivision plans being only one year. Mr. Sheffield stated there is already a one year time limit for subdivision plans. Mr. Wesley stated the Code does allow for the ability to ask for an extension. Mr. Carter was concerned with the size of the Code and the number of chapters.

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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